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UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

RICHARD A. SILBER, an individual and on behalf  
of all others similarly situated,

Plaintiffs,

vs.

SHOP-VAC CORPORATION, a Pennsylvania  
Corporation, and DOES 1 through 100, inclusive.

Defendants.

**JOINT MOTION FOR EXTENSION  
OF TIME TO FILE  
ANSWER OR OTHERWISE  
RESPOND**

CASE NO. 3:08CV00637-JLS-RBB

Plaintiff Richard A. Silber and Defendant Shop-Vac Corporation ("Shop-Vac") hereby move this Court for an Order granting Shop-Vac an extension of time in which to file an answer or otherwise respond to Plaintiff's Class Action Complaint up to and including April 29, 2008. In support of this joint motion, the parties present the following.

1. On or about February 25, 2008, Plaintiff Richard A. Silber filed a putative class action Complaint ("Complaint") in the Superior Court of San Diego County, California, Case No. 37-2008-00078687-CU-BT-CTL, naming Shop-Vac as a Defendant.

1           2.       The summons and Complaint were deemed served on Shop-Vac on March 9, 2008.

2           3.       Shop-Vac timely filed a Notice of Removal pursuant to the Class Action Fairness Act  
3 of 2005 ("CAFA"), Pub. L. No. 109-2, 119 Stat. 4 (codified in scattered sections of 28 U.S.C.), on  
4 April 8, 2008.

5           4.       Shop-Vac's current answer or responsive pleading is due five days after notice of  
6 removal is filed, which is on or about April 15, 2008. Fed. R. Civ. P. 81(c).

7           5.       Shop-Vac requires additional time to answer or otherwise respond to the Complaint.  
8 Additional time is necessary in order to conduct further investigation and research required to  
9 formulate a proper response to Plaintiff's Complaint.  
10

11          6.       Shop-Vac respectfully requests an additional two weeks to file its Answer or  
12 otherwise respond to Plaintiff's Complaint.

13          7.       Undersigned counsel for Shop-Vac has conferred with undersigned counsel for  
14 plaintiff, who does not oppose this extension. Shop-Vac has not previously sought an extension of its  
15 answer deadline.  
16

17          8.       The requested extension of time is not being made for the purpose of delay, but rather  
18 is to further the interests of justice.

19               WHEREFORE, Plaintiff Richard A. Silber and Defendant Shop-Vac Corporation respectfully  
20 pray for an Order granting Shop-Vac an extension of time to answer or otherwise respond to  
21 Plaintiff's Complaint up to and including April 29, 2008 and for such other and further relief this  
22 Court deems just and proper.  
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1 DEL MAR LAW GROUP, LLP

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2  
3 By:/s/ JL Sean Slattery \_\_\_\_\_

By:/s/ Kevin J. Senn \_\_\_\_\_

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CORPORATION

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11 **CERTIFICATE OF SERVICE**

12 I hereby certify that a copy of the foregoing document was filed electronically with the Clerk  
13 of the Court to be served by operation of the Court's electronic filing system this 10th day of April,  
14 2008 upon the following:

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\_\_\_\_\_/s/ Kevin J. Senn\_\_\_\_\_